

“(C) If the amounts transferred under subsection (a)(3) are less than the amounts required to be transferred to the 1992 UMWA Benefit Plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232), the payment of an additional backstop premium by each 1988 last signatory operator which is equal to such operator’s share of the amounts required to be so transferred but which were not so transferred, determined on the basis of the number of eligible and potentially eligible beneficiaries attributable to the operator.”.

(B) CONFORMING AMENDMENTS.—Section 9712(d) is amended—

(i) in paragraph (2)(B), by striking “prefunding” and inserting “backstop”, and

(ii) in paragraph (3), by striking “paragraph (1)(B)” and inserting “paragraph (1)(A)”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to fiscal years beginning on or after October 1, 2010.

SEC. 323. OTHER PROVISIONS.

(a) BOARD OF TRUSTEES.—Section 9702(b) (relating to board of trustees of the Combined Fund) is amended to read as follows:

“(b) BOARD OF TRUSTEES.—

“(1) IN GENERAL.—For purposes of subsection (a), the board of trustees for the Combined Fund shall be appointed as follows:

“(A) 2 individuals who represent employers in the coal mining industry shall be designated by the BCOA;

“(B) 2 individuals designated by the United Mine Workers of America; and

“(C) 3 individuals selected by the individuals appointed under subparagraphs (A) and (B).

“(2) SUCCESSOR TRUSTEES.—Any successor trustee shall be appointed in the same manner as the trustee being succeeded. The plan establishing the Combined Fund shall provide for the removal of trustees.

“(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.”.

(b) ENFORCEMENT OF OBLIGATIONS.—

(1) FAILURE TO PAY PREMIUMS.—Section 9707(a) is amended to read as follows:

“(a) FAILURES TO PAY.—

“(1) PREMIUMS FOR ELIGIBLE BENEFICIARIES.—There is hereby imposed a penalty on the failure of any assigned operator to pay any premium required to be paid under section 9704 with respect to any eligible beneficiary.

“(2) CONTRIBUTIONS REQUIRED UNDER THE MINING LAWS.—There is hereby imposed a penalty on the failure of any person to make a contribution required under section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 to a plan referred to in section 402(h)(2)(C) of such Act. For purposes of applying this section, each such required monthly contribution for the hours worked of any individual shall be treated as if it were a premium required to be paid under section 9704 with respect to an eligible beneficiary.”.

(2) CIVIL ENFORCEMENT.—Section 9721 is amended to read as follows:

“SEC. 9721. CIVIL ENFORCEMENT.

“The provisions of section 4301 of the Employee Retirement Income Security Act of 1974 shall apply, in the same manner as any claim arising out of an obligation to pay withdrawal liability under subtitle E of title IV of such Act, to any claim—

“(1) arising out of an obligation to pay any amount required to be paid by this chapter; or

“(2) arising out of an obligation to pay any amount required by section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(5)(B)(ii)).”.

SA 5004. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table; as follows:

Amend the title so as to read: “To amend the Internal Revenue Code of 1986 to extend for 2 years certain expiring provisions, and for other purposes.”.

SA 5005. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ DECLASSIFICATION OF CERTAIN TEXT OF REPORT ON INTELLIGENCE CONCERNING IRAQ WEAPONS OF MASS DESTRUCTION PROGRAMS.

Any classified text (other than text revealing intelligence sources and methods) contained on pages 96, 97, and 98 of the report of the Select Committee on Intelligence of the Senate entitled “Report of the Select Committee on Intelligence on Post-War Findings About Iraq’s WMD Programs and Links to Terrorism and How They Compare with Pre-War Assessments”, and issued on September 8, 2006, is hereby declassified and, effective as of the date of the enactment of this Act, may be released to the public.

SA 5006. Mr. STEVENS (for Mr. MCCAIN (for himself and Mr. KYL)) proposed an amendment to the bill S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; as follows:

On page 3, strike lines 7 through 9 and insert the following:

achieve the full and final implementation of the Fort McDowell Water

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 21, 2006, at 10 a.m. in room SD-628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, vice Frances P. Mainella, resigned.

For further information, please contact Judy Pensabene or Kara Gleason of the Committee staff at: (202) 224-5305.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 13, 2006, at 10 a.m., to conduct a hearing on “The Housing Bubble and its Implications for the Economy.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13 at 11:30 a.m.

The purpose of this meeting is to consider the nominations of John Ray Correll to be director of the Office of Surface Mining Reclamation and Enforcement, Mark Myers to be director of the United States Geological Survey, and David Longly Bernhardt to be solicitor of the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. COLLINS. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a Business Meeting on Wednesday, September 13, 2006, at 9:30 a.m. to consider the following agenda:

Legislation: H.R. 5689, To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; S.1848, Cleanup of Inactive and Abandoned Mines Act; S. 3630, To amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes; H.R. 3929, Dana Point Desalination Project Authorization Act; S. 3617, North American Wetlands Conservation Reauthorization Act of 2006; H.R. 5061, Paint Bank and Wytheville National Fish Hatcheries Conveyance Act; S. 3551, Tylersville Fish Hatchery Conveyance Act; S. 3867, To Designate the Federal Courthouse at 555 Independence Street, Cape Girardeau, Missouri, as the “Rush H. Limbaugh Sr., Federal Courthouse”; H.R. 5187, To Amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007; S. 3879 “Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act”; S. 2348, Nuclear Release Notice Act of 2006; and S. 3591, High-Performance Green Buildings Act of 2006.

Nominees: William B. Wark to be a Member of the Chemical Safety and Hazard Investigation Board; William E.